

Applicant: Chang H. & Myong S. An

Agent: Rhombus P.A., Inc.

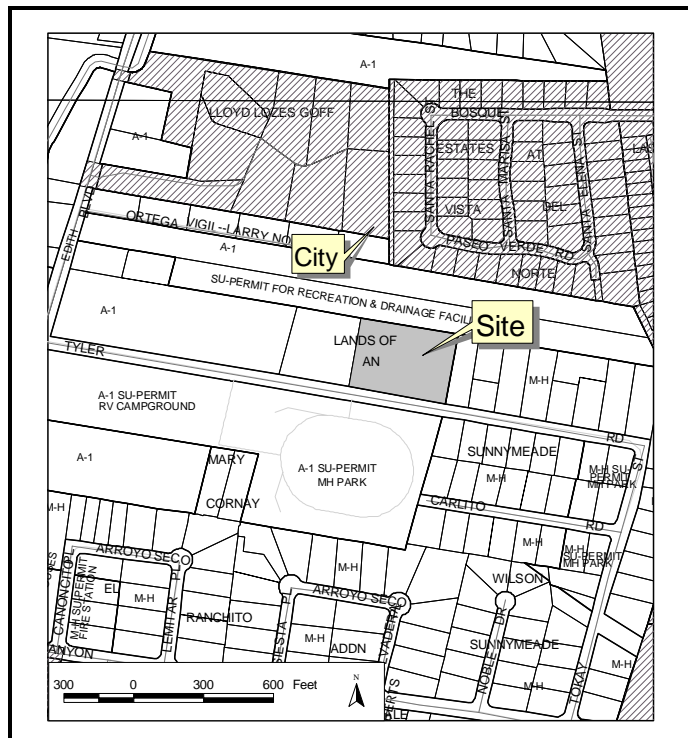
Location: 609 Tyler Rd. NE

Property Size: 2.93 acres (approximately)

Existing Zone: A-1

Proposed Zoning/SUP Special Use Permit for Planned Development Area (Residential)

Recommendation: Deferral



Summary: This request is for a Special Use Permit for a Planned Development Area on a 2.93 acre (approximately) property located on the north side of Tyler Rd. to the east of Edith Blvd. The property is currently zoned A-1, and the applicants are proposing to develop an 8 lot residential subdivision with cluster housing. This request was deferred at the October 5, 2005 hearing at the applicants' request to allow them to address staffs' and neighborhood association comments.

Staff Planner: Catherine VerEecke, Program Planner

- Attachments:**
1. Application
 2. Area and Land Use Maps
 3. Letter from neighborhood association (for October 5, 2005)
 4. North Valley Area Plan Cluster Housing
 5. Request for deferral (for October 5, 2005)
 6. Revised application
 7. Letter from neighborhood association (for February 1, 2006)
 8. Revised Site Plan, December 12, 2005 (Commissioners only)

Bernalillo County Departments and other agencies reviewed this application from 8/22/05 to 9/12/05 and from 12/13/05 to 1/9/06. Their comments were used in preparation of this report, and begin on Page 19.

AGENDA ITEM NO.: 7
County Planning Commission
February 1, 2006

CSU-50027 Rhombus P.A. Inc., agent for Chang H. & Myong S. An, requests approval of a Special Use Permit for a Planned Development Area on Lot B, located at 609 Tyler Road NE, Lands of An, SRP5-11, zoned A-1, containing approximately 2.93 acres. (E-16) (DEFERRED FROM THE OCTOBER 5, 2005 HEARING)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

Site	Zoning	Land use
	A-1	Vacant
North	A-1	City Drainage Facility
South	A-1/Special Use Permit for Mobile Home Park	Mobile Home Park
East	M-H	Single Family Residential
West	A-1 (Conditional Use Permit)	Church

BACKGROUND:

The Request

The applicants are requesting a Special Use Permit for a Planned Development Area for 8 residential lots on a 2.93 acre parcel located on the north side of Tyler Rd. to the east of Edith Blvd. The property is currently vacant.

According to the site plan, the proposed development will include 8 lots, each of about 8000 square feet, to be located along one 40 foot wide road, which bisects the subdivision, and ends in a cul-de-sac. There will also be about one acre of 'common open space' around the periphery of the site.

Request justification.

The applicant's agent states that this request is an "application for a zone map change from A-1 to SUP for a planned development area (i.e., Cluster Housing) comprised of a proposed 8 lot single-family residential subdivision."

In the response to Resolution 116-86, the agent argues that the "proposed zone change" is appropriate for the property and that the "proposed land use change does not conflict with adopted elements of the Comprehensive Plan or the North Valley Area Plan." He states that agricultural uses are no longer appropriate for the property and the proposed land use will act as a transition between the adjacent land uses. These include a mobile home park, an RV park, single family residential dwellings and a drainage facility. He states the planned development area (Cluster Housing) associated with the proposed zone change is more advantageous to the community because it will provide another housing alternative".

Surrounding Land Uses and Zoning

The subject property is located in what is mainly a residential area along Tyler Rd. near Edith Blvd. with a semi-rural character. A majority of the properties to the north and west of the site are zoned A-1 or R-1 and have either single family dwellings or are vacant. To the immediate north of the site is a property with a drainage facility, which serves the residential area (Vista del Norte) to the east in the City of Albuquerque (CSU-97-26; CSU-40002). Beyond this to the north are single-family residential units. To the north and northwest of the site are several properties with A-1 zoning with historic significance and placement on the National Register for Historic Places. About one-half mile to the north, an 12 acre property received a Special Use Permit for a Planned Development Area for 33 lots and 4.2 acres open space (CSU-95-16).

To the west of the subject property is located a two acre tract of land with a church (conditional use permit). Beyond the church to the west is a 7.5 acre property, which is the subject of the applicants' second request for another cluster housing development (CSU-50028). Further east and southeast of the site is the Sunnymeade Subdivision, with lots ranging from one-third to an acre to two-thirds of an acre and M-H zoning.

To the south of the subject site there are three large properties that still have A-1 zoning. One has a Special Use Permit for an RV campground and the other for a mobile home park (CSU

91-7, CSU 74-86). To the south of the RV campground, another A-1 zoned property had a Special Use Permit for livestock auction, which was recently cancelled, and it is being used mainly for single family residential uses (CSU 75-5; CSU 91-7).

Further south along Edith Blvd. a .7 acre property recently received a new Special Use Permit for Office Warehouse Uses (CZ-40002), and other properties near Osuna Rd. have Special Use Permits or SU zoning (City) for commercial or warehouse type uses. However to the east of Edith Blvd. north of Osuna Rd., the area is still residential with M-H zoning.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Semi-Urban Area as delineated in the Albuquerque/Bernalillo County Comprehensive Plan. The principal goal for this area is to “maintain the character and identity of semi-urban areas which have environmental, social or cultural conditions limiting urban land uses.”

Policy a (Semi-Urban Area) states “Development in the Semi-Urban area shown by a Plan map shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; overall gross density shall be up to 3 dwelling units per acre.”

North Valley Area Plan

This property is located within the Semi-Urban area of the North Valley Area Plan. The Plan states that properties in this area may have special soil and water limitations or scenic, agricultural, or recreational assets, with the appropriate gross density at 1 to 3 dwelling units per acre.

The property is also located within the Edith Blvd. Corridor Area, which extends from Menaul Blvd. to Roy/Tramway Rd. west to the Santa Fe Railroad and east to the Municipal Limit. It is in the North Edith Blvd. Sub-Area that extends north from Osuna Road to the Sandia Reservation. This area is characterized mainly as ‘rural’.

The “Trend Scenario” notes an apparent trend toward heavy commercial and light industrial uses along Edith Blvd, encroaching into residential areas and for Edith to become a commercial route.

Under the “Comprehensive Plan” and “Preferred Scenarios”, the North Valley Area Plan states the current situation would be preserved with residential development and less traffic along Edith Blvd., recognizing its historic character. Economic development would be limited to home occupations in the residential areas and small-scale businesses along Edith Blvd.

The “Preferred Scenario” still states a preference for uses allowed under the existing zoning. It states “north of Osuna Road, the pattern along Edith Blvd., should reflect the area’s residential zoning and rural character. Heavy commercial and manufacturing uses would be limited to the vicinity of Paseo del Norte.

Policy 4.4 of the Plan states that the County and City shall encourage rural standards for development, especially within the Semi-Urban and Rural Comprehensive Plan areas of the North Valley.

Policy 2 (Land Use) states 'The City and County shall stabilize residential zoning and land use in the North Valley Area.' This may be accomplished through the following:

- a. Limit the location, duration, and type of new uses allowed by Special Use Permit.
- b. Cancel discontinued Special Use Permits granted where existing conditions of approval are not met and permits that are otherwise in violation of the Zoning Ordinance.
- c. Retain existing County A-1 zoning as the only Rural Agricultural zone intended to provide agricultural activities and spacious development.
- d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.
- e. Retain the low density character of the North Valley.

Policy 2.2.d (Land Use) of the Plan states that "the County and City shall retain the low density character of the North Valley and that the minimum lot area for R-1 zoned land in the Rural area should be three-quarters of an acre."

Policy 3.a (Land Use) states that "the City and County shall retain existing residential zoning on Alameda Blvd., Second Street, and on future roadway corridors."

Policy 7.1 states the City and County shall stabilize land use to protect affordable housing and land presently zoned for housing.

- a. Maintain and expand areas zoned for residential uses including A-1, R-1, M-H
- b. Limit encroachment of non-residential uses into residential areas
- c. Encourage residential zoning of parcels with residential uses.

Policy 7.4 (Housing) states "The County and City shall remove disincentives, provide incentives and/or require housing development which meets the cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs, and design flexibility and creativity."

- b. Amend the County Zoning Ordinance to add cluster principles and to include Cluster Housing as a Special Use.
- c. Provide for densities greater than 1 dwelling unit/acre in Rural and Semi-Urban Areas through adoption of Cluster Housing Principles.

Cluster Housing Principles (North Valley Area Plan)

"The desire to preserve valley character and the need to accommodate new housing for population growth can both be accommodated through cluster development. Cluster housing principles may be applied throughout the valley in all residential development and redevelopment. The principles include: preservation of open land in perpetuity; provision of housing at densities appropriate to the existing zoning and surrounding neighborhoods; reducing required infrastructure and associated housing costs; and provision of greater flexibility and creativity in design and development of housing." (p.121)

“Cluster or common interest housing is a method of site design for residential development that allows homes to be grouped more closely in order to retain larger amounts of contiguous open space in common ownership. This can be a method of preserving rural character and retaining visual access to open space while accommodating new residential development that meets or exceeds the number of units allowed under standard zoning. Like Village Centers, clustering requires more careful attention to design and setting than standard development forms. “
(p.154)

“Cluster development which requires site planning should result in more design flexibility by allowing different lot sizes and shapes according to site features and open space location (p. 129.)”

Cluster Development: Proposed Cluster Density Guidelines (NVAP) Chart

INSERT

Bernalillo County Zoning Ordinance

Resolution 116-86 lists policies for evaluating a Zone Map changes and Special Use Permit applications.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error in the original zone map.
 - 2. Changed neighborhood or community conditions justify a change in land use or
 - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
 - 1. denied due to lack of capital funds; or
 - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is

not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:
1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

Section 18. Special Use Permit Regulations

- A. By Special Use Permit after receipt of a recommendation from the Bernalillo County Planning Commission, the Board of County Commissioners may authorize the location of uses in any one in which they are not permitted by other sections of this ordinance; the Board of County Commissioners may likewise authorize the increase in height of buildings beyond the limits set fourth by sections of the zoning ordinance. With such permits, the Board of County Commissioners may impose such conditions and limitations as it deems necessary:
1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located.
 2. To ensure that the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
 3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
 4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

Section 18.B.23 (Planned Development Area) states "Planned Development Area, including residential uses or mixed residential and commercial uses provided the minimum development lot area is two acres and the applicant demonstrates the need to vary height, lot area, or setback requirements due to unusual topography, lot configuration, or site features in order to

create cluster housing development, preserve visual or physical access to open space or unique site features.”

Section 5 Definitions.

Cluster Housing Development. “A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, or preservation of environmentally sensitive areas or agriculture.”

ANALYSIS:

Surrounding Land Use and Zoning

The applicants have requested a Special Use Permit for Planned Development Area (Residential) to allow the development of an 8 lot residential subdivision with lots of about one-fifth of an acre.

The proposed land use appears to be compatible with the zoning and land uses of the surrounding area, which including a variety of lot sizes and a mixture of A-1, M-H, and R-1 zoning and some commercial uses with Special Use Permits for both residential and non-residential uses. In addition, the residential properties on the east side of Edith Blvd. have lots of about one-third to one-half acre.

However, there also are a number of other properties with A-1 or R-1 zoning near the site, which could be used to argue that that the proposed development may not be appropriate for the area in the absence of a sound justification for the land use change.

Planning staff is concerned that the applicant has not explained why the property should develop with smaller lots, rather than develop under the existing A-1 zoning or with R-1 zoning, which both are all found in the area.

Plans

The request appears to be consistent with the Comprehensive Plan and the North Valley Area Plan policies. The property’s land use designation is in the Semi-Urban area, which allows lots of a minimum of one-third of an acre (a density of three dwelling units per acre), when the request is for a gross density of 2.73 dwellings per acre. In addition, the request appears to attempt to follow the guidelines of the North Valley Area Plan for cluster housing.

However, the applicants appear to have deviated from the Guidelines for Cluster Housing set forth in the plan and have not provided an acceptable justification for why they should be granted this density or the context of County plans and their policies.

“Semi-Rural” Character. The North Valley Area Plan scenarios suggest that properties in both the Rural and Semi-Urban Areas should retain their rural or semi-rural appearance and low density, and the Comprehensive Plan states that particular attention should be given to properties in the Semi-Urban Area with special features such as agricultural

potential and scenic qualities. The North Valley Area Plan in the plan scenarios also gives strong preference to maintaining the existing residential zoning in order to retain low density development (1 acre or more lots) and the 'rural character' in the areas designated as Rural and Semi-Urban.

The request thus appears to conflict with this preference/goal in that the proposed lots average only about .2 acres. The applicants have not included any of these policies in the justification and also do not explain why cluster housing, as explicated in the North Valley Area Plan, has been chosen as an alternative to either A-1 zoning or the higher density development as with R-1 or M-H zoning with no open space.

Related to this, this request seeks a significantly higher density than is allowed under the existing zoning, apparently in exchange for the provision of "open space" within the rubric of a "Planned Community." It designates a portion of the site along its periphery as open space. However, it is not clear from the site plan if this area would actually constitute 'open space' that furthers the goal of preserving the rural character of the area. The justification also does not address this issue.

Cluster Housing. To offset higher residential densities, the North Valley Area Plan (Policy 7.4) indicates that 'cluster housing' may be allowed--if it follows specific principles set forth in the Plan. These are as follows:

- 1. provision of housing at densities appropriate to the existing zoning and surrounding neighborhoods;**
- 2. preservation of open land in perpetuity;**
- 3. reducing required infrastructure and associated housing costs; and**
- 4. provision of greater flexibility and creativity in design and development of housing**

It appears the proposed development does not completely comply with these principles, and the applicants do not mention the principles in their development plan or their justification.

1. Appropriate Densities. On page 127 of the North Valley Area Plan, the Plan contains cluster housing density guidelines (see chart above) to be used in the evaluation of requests for cluster housing approvals, intended to provide incentives to the development of cluster housing. Generally, under the guidelines, the greater the percentage of open space, the higher the density may be, with specifications for the Rural and Semi-Urban acreages for open space and residential areas (after the area of road easement is subtracted).

For this site (A-1 zoning, located in the Semi-Urban Area with sewer service) the guidelines call for a site density of 2.5 dwelling units per acre on the overall site where 40 percent of the site is retained in open space (after 20% of the gross acreage is subtracted as easement). The remainder (60% of the buildable area) would be developed with residential uses. If this guideline is followed, the site distribution would be as follows:

Cluster Housing Calculations

North Valley Area Plan Category	Plan guidelines	Allowance following plan (acres = 2.93)	Applicants' request (acres = 2.93)
Density	2.5 du/acre	7.3 dwelling units (2.5 du/acre)	8 dwelling units (2.73 du/acre)
Easement	20%	.59 ac.	.43 ac. (14.7%)
Buildable area (less easement)		2.34 ac (101,930.4 sf)	2.5 ac (108,900 sf)
Open Space	40% of buildable	.936 ac	1 ac (40%)
Residential	60% of buildable	1.404 ac (61,158.24 sf)	1.5 ac (65,340 sf) (60%)
Average lot size	8364 sf.	8377 sf.	8167 sf

In summary, if following the plan system of calculations, the applicants would be able to develop 7 single family lots. This contrasts with the existing zoning (A-1) which would allow two lots of one acre. Thus, following the Plan's density guidelines (in conjunction with other principles) the applicants could more than triple the density than would be allowed under the existing zoning.

As shown in the above table, the proposed project deviates somewhat from the guidelines of the Plan by increasing the overall density by about .25 acre or one lot (7 to 8), although the open space and residential allotments appear to be consistent with the plan formulae. However, staff has noted that this additional lot and open space are possible only because County road standards are not met by the plan, thereby saving about one-half acre that normally would be dedicated as right-of-way. Thus far, it appears permission has not been granted by County Public Works for this easement reduction, and no explanation for this change is included in the justification for this development.

2. Preservation of open land in perpetuity. The North Valley Area Plan (pp. 122-124, 128, 154) discusses several features that define open space. The cluster development should preserve open land in perpetuity and provide visual access to open land and views from the public rights-of-way, ditches, and adjacent development. The open space should be maintained by a recognized neighborhood association in perpetuity according to restrictive covenants including maintenance fees and schedules.

However, it appears that the request does not comply with this principle. In the site plan, a substantial portion the proposed open space is not "visually or physically accessible" as it will not be visible or accessible from the public rights of way and from parts of the proposed subdivision. Further, the open space will not be 'contiguous' as discussed in the Plan (p.154) but rather will be spread out along the peripheries of the site, mainly in the rear of the site.

There also is no detailed plan for the ownership and maintenance of the purported open

space and no discussion of how the landscaping shown on the plan will add to the semi-rural character of the site. Covenants for 'The Gardens on Rio Grande' subdivision (in the City with R-1&RA-1 zoning) are provided (Attachment 5), but these do not appear to relate to the proposed development or the principles of cluster housing in the North Valley Area Plan.

3. Reducing required infrastructure and associated housing costs. This request does not address this principle. A utility plan is provided, although there is no discussion of how it reduces the required infrastructure and to what end. The justification states the housing will be "high-end" but does not explain what this means or how it relates to this principle. A 40 foot wide road is proposed, in contrast to the 50 feet normally provided, but no justification or approval for this is provided.

4. Greater flexibility and creativity in design and development of housing. This request makes no mention of this important principle, which distinguishes a planned development from a standard subdivision, with flexibility in the development plan, such as, lot sizes, location, spacing of lots, and common open space. The proposed lots, instead, are mainly of the same size and shape with minimal variation, the setbacks are uniform, and the development resembles that of R-1 or M-H zoning. There also are no discussions of design standards or guidelines that would help this development achieve a 'planned development status' or would warrant being granted a density incentive for a substantially higher density than allowed under the existing zoning. The applicants need to address this issue, and the design plan should be built into the request in the proposed covenants or a disclosure statement, along with on the site plan, creating some mechanism for ensuring that this principle is met.

Zoning Ordinance

The County Zoning Ordinance contains several sections that relate to this case: 1) Resolution 116-86. 2) Special Use Permits and within that Special Use Permits for Planned Residential developments; and 3) definition of cluster housing.

Resolution. Under the existing A-1 zoning the site could develop with two residential units on 2.93 acres. The applicants have not demonstrated how the existing zoning is inappropriate for the subject site as required by Resolution 116-86. The request is now proposing to institute this cluster type use and more than double this density, based largely on the provision of what appears to a buffer around the periphery of the site, without any other amenities to the proposed subdivision in the form of creativity and design. There is no justification provided that actually complies with the relevant policies for the area, particularly for density, open space, and design set forth in the plan. It appears instead that the proposed uses are simply more intense than exists in the general vicinity and could have an adverse effect on the adjacent properties to the east through an increase in traffic.

The applicants argue that the use would be a kind of transition between the various commercial and residential developments in order to justify this land use change, as well as higher residential density. However, it is unclear why the existence of lower density residential or non-residential uses in the area should correlate with or justify a planned residential use.

The justification statement also does not give any definitive evidence that this higher density use is more advantageous to the neighborhood as stated in policies or development scenarios of the North Valley Area Plan or the Comprehensive Plan. It appears instead that the property could be developed under A-1 zoning in a manner that is more consistent with the area in terms of lot size and uses than is being proposed by the applicant.

Special Use/ PDA Criteria. According to Section 18.B.23 states a “PDA Special Use may be granted provided the minimum development lot area is two acres and the applicants demonstrate the need to vary height, lot area, or setback requirements, due to unusual topography, lot configuration, or site features in order to create cluster housing development, preserve visual or physical access to open space or unique site features.” While the request meets the two acre lot requirement, it appears that the applicants have not conclusively demonstrated the need to vary lot sizes significantly from what is allowed under the existing zoning.

Agency Comments

County staff and representatives from other agencies have noted several issues with the site development plan, particularly as regards the need for additional information to make a determination about the request and its components.

County Zoning staff comments indicate that site plan is inadequate and the density is too high per the plans.

County Public Works has indicated to Planning staff that no road width variance (for 40 instead of 50 feet) has been requested by the applicant.

City Water Resources indicates that the site configuration may not be acceptable for utility development and that the availability statement is not correct.

Environmental Health comments state that the development must comply with the Sewer and Water Availability Statement.

Conclusion

The applicants have requested a Special Use Permit for a Planned Development Area for a cluster housing development on a 2.93 acre tract of land in the North Valley located east of Edith Blvd and north of Osuna Rd. The request is for 8 lots, which average about .2 acres in size covering about 1.5 acres and about 1 acre of “open space”. This request, in effect, includes three components that are each discussed in the County Zoning Ordinance and the North Valley Area Plan—as a Planned Development Area, as a Cluster Development, and as a Cluster Development that exceeds the density than would be allowed by following the guidelines for density within cluster housing in the North Valley Area Plan. However, in its present form it is not a cluster development following the definition in the Zoning Ordinance, and it does not address and meet the four cluster housing principles set forth in the North Valley Area Plan. It proposes an even higher density than allowed by following the guidelines, which would be even higher if access and right-of-way dedication requirements are met.

More work needs to be done to make the request comply with the Plan. These areas need to be addressed in the revised plans and justification, per the County Zoning Ordinance, the North Valley Area Plan, and Departmental Regulations:

- a. Provide a more detailed development plan and justification per County plans and Resolution 116-86.
- b. Comply with County road standards.
- c. Comply with Cluster Housing Principles of the North Valley Area Plan
 1. Provide building prototypes, elevations to demonstrate quality design
 2. Provide more explicit design guidelines and standards for ensuring their implementation (e.g., Covenants for this development)
 3. Provide information on zoning (e.g., setbacks, frontages, building envelopes that shows creativity in standards)
 4. Modify site plan in accordance with the Principles
 5. Provide more visual and accessible common open space
 6. Reconfigure lots to allow for more varied lot sizes and flexibility
 7. Comply with density guidelines

In conclusion, the applicants are requesting a Special Use Permit for a Planned Development Area that would more than double the number of units allowed under the existing zoning, without an acceptable justification in relation to County Plans and without the necessary details for such a Planned Development. Since the request is proposing a residential use, which complies generally with the goals of the plans, staff is recommending deferral of the request. This would allow the applicants the opportunity to address the concerns of staff and neighbors and to ensure that the development meets the standards of the Plan.

Finally, there is some concern being expressed by neighbors (Northeast Valley Neighborhood Association) that the applicant has not justified the request or followed the cluster housing guidelines, and has not provided sufficient information to the neighbors. Such a land use change may be inappropriate for the particular area where the site is located (Attachment 3).

ADDITIONAL STAFF COMMENTS, FEBRUARY 1, 2006

Resubmittal details

This request was deferred at the October 5, 2005 hearing at the applicants' request to allow them to address staffs' comments (listed above) and neighborhood association concerns. The re-submittal includes a revised site plan and a revised justification for development on this 2.93 acre site. The applicants' agent also submitted a request for a road width variance from County Public Works to allow a 40 foot wide road (included in the re-submittal packet).

In terms of the site plan, several changes have been made in an attempt to comply with the principles of cluster housing of the NVAP. This includes: 1) varying the size and shape (width) of the lots, which now range from 7230 square feet to 9512 square feet (different from the typical rectangular lots); 2) relocating the common open space from the rear of the lot to the front and 3) staggering front setbacks; and 4) altering the road configuration based on initial staff (Public Works) comments. The proposed density (2.73 dwelling units per acre), which

exceeds that prescribed in the Plan's Density Guidelines (2.5 dwelling units per acre), has not changed.

Additional justification provides further statements to demonstrate that the request complies with Resolution 116-86. The agent states that it is consistent with policies for the Semi-Urban area of the Albuquerque/Bernalillo County Comprehensive Plan in that the development plan pays particular attention to the natural environment, including soils and topography while retaining a portion of the site in relatively unaltered form. The agent also states that it complies with the North Valley Area Plan scenarios for the Edith Corridor Area North of Osuna because it will be residential.

The agent states the request follows the Cluster Housing Principles of the North Valley Area Plan. It is proposing a density of about 3 dwelling units per acre, which is consistent with that of the surrounding area and that specified in the Plan. Open space will be visually accessible to the community and maintained through covenants and the homeowner's association. Infrastructure costs will be minimized through clustering. Creativity and flexibility in design will include varying lot sizes and shapes, which differs from typical tract homes, and covenants.

Additional Analysis

The applicants and their agent have attempted to address technical issues, such as access, landscaping, and lot configuration. However, the request still does not comply with Cluster Housing Principles set forth in the North Valley Area Plan for the reasons set forth below.

Site Plan Does not Comply with Density Guidelines of NVAP. Despite the previous comments of staff, the applicants have elected to continue to exceed the density allowance for the Semi-Urban Area (2.5 dwelling units per acre) and seek 2.73 dwelling units per acre. This amounts to one additional lot. If complying with the plan, the development would have 7 lots, rather than the 8 proposed. The changes in the site plan, in contrast to the Plan Guidelines, are summarized as follows:

Cluster Housing Calculations

North Valley Area Plan Category	Plan guidelines	Allowance following plan (acres = 2.93)	1st request (acres = 2.93)	2nd submittal (acres = 2.93)
# lots/ Density	2.5 du/acre	7.3 dwelling units (2.5 du/acre)	8 dwelling units (2.73 du/acre)	8 dwelling units (2.73 du/acre)
Easement	20%	.59 ac.	.43 ac. (14.7%)	.57 ac (19.5%)
Buildable area (less easement)		2.34 ac (101,930.4 sf)	2.5 ac (108,900 sf)	2.36 ac (102,801.6 sf)
Open Space	40% of buildable	.936 ac	1 ac (40%)	.782 ac (33.%) (33,815.3 sf)
Residential	60% of buildable	1.404 ac (61,158.24 sf)	1.5 ac (65,340 sf) (60%)	1.49 ac (68,986.3 sf) (67%)
Average lot size	8364 sf.	8377 sf.	8167 sf	8570 sf

Open Space provision of site plan does not follow Plan Principles. Although the applicants have improved the location of the proposed open space, the area (percentage of buildable area) proposed for Open Space for the development is inadequate per the Plan Guidelines. The request should allocate 40% of the buildable area for open space and 60% for residences. Instead, the allocation is for 33.2% open space and 66.8% for residential. Again, no justification for deviating from the guidelines has been provided.

More information is needed on variability and creativity in design. Although the applicants have added to variation in lot sizes and shapes, no information is provided on design elements, such as architectural styles and features. The justification refers to restrictive covenants, but these have not been provided.

More Justification is Needed

The agent has made more specific reference to the criteria of Resolution 116-86, to policies and scenarios of the North Valley Area Plan and the Comprehensive Plan, and to the Cluster Housing Principles of the North Valley Area Plan. However, the request still does not comply with all the principles and density guidelines as noted above.

No attempt has been made to address the criteria of Planned Development Area as set forth in the Zoning Ordinance.

Additional Agency Comments

County Public Works has determined that the road plan is not acceptable and has not accepted the request for a road width variance (see comments on p. 20). Additional area must be dedicated for the road width and the entrance to the subdivision.

County Zoning comments state that the application should be clearer about zoning requirements for accessory structures and lot width.

Conclusion.

Staff has concluded that this re-submitted request still does not adequately address or incorporate the guidelines of Cluster Housing in the North Valley Area Plan. Although the applicants have made some additions and improvements in the site plan and justification, there still needs to be changes to the development plan. Road changes now being required by County Public Works will likely affect lot configuration and lot sizes, so that the site plan should once again be redone and reevaluated by staff. It appears that if one or two lots were removed from the subdivision, dividing this area up to satisfy road and open space requirements, while retaining the variable lot sizes, the request could meet the density requirements of 'cluster housing development.' Additional materials on building design and landscaping establishment and maintenance (either as a plan or a draft of covenants and building prototypes) should also be provided.

Staff recommends that this case should continue to be deferred until the applicants make these changes required by County staff. The following areas, as noted when the case was scheduled previously, still have not been adequately addressed:

1. Comply with County road standards.
2. Comply with density guidelines (Cluster Housing) within the North Valley Area Plan
3. Provide building prototypes to demonstrate quality design
4. Provide more explicit design guidelines and standards for ensuring their implementation (e.g., Covenants for this development)
5. Provide additional justification per Section 18.b.23 (Planned Development Area)
6. Provide additional information on zoning requirements per staff comments

Although the differences between what is requested in the North Valley Area Plan Cluster Housing Guidelines and what is provided may appear to be small, no justification is provided for why the applicants have elected to deviate from the guidelines.

The Northeast Valley Neighborhood Association has submitted a letter stating that their members met with the applicant and agent in December 2005, but they have not received any new materials to show that their concerns have been addressed (Attachment 7).

Analysis Summary

Zoning	
Resolution 116-86	Has not adequately justified the request with reference to County Plans and policies.
Requirements	Additional information is needed for Zoning requirements such as accessory structures and lot width.
Section 18.b.23	No information provided regarding Planned Development Area Criteria.
Plans	
Comprehensive Plan	Appears to be generally consistent with policies that call for rural, residential uses with open space in the semi-urban area.
North Valley Area Plan	Appears to be generally consistent with policies that call for residential uses in the area and with the preference for cluster housing, but does not comply with all the principles and density guidelines.
Other Requirements	
Environmental Health	Must comply with relevant departmental requirements. Connect to Albuquerque/Bernalillo County sewer and water as prescribed in the availability statement.
Public Works	Right of way provided is unacceptable. Additional area for road and turnaround must be added.

FINDINGS:

1. This is a request for a Special Use Permit for a Planned Development Area on Lot B, located at 609 Tyler Road NE, Lot B, Lands of An, SRP5-11, zoned A-1, containing approximately 2.93 acres.
2. The property is located in the Semi-Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
3. The request does not include all necessary information and justification for the development, when Section 18.C.1 of the Zoning Ordinance states that incorrect or incomplete information may be cause for denial or deferral.

DEFERRAL, based on the above findings.

Catherine VerEecke
Program Planner

BERNALILLO COUNTY DEPARTMENT COMMENTS

Building Department:

Building permits will be required for the proposed projects as a condition of approval.

Environmental Health:

1. Water and sewer is available as per the submitted avail. statement dated 3/8/2005. All requirements of the avail. statement must be complied with.
2. Upon development COA air quality div. soil disturbance permits are required.
3. Upon development proof of connection to COA Water and sewer is required.

1/9/06

1. Water and sewer is available as per the submitted avail. statement dated 3/8/2005. All requirements of the avail. statement must be complied with.
2. Upon development COA air quality div. soil disturbance permits are required.
3. Upon development proof of connection to COA Water and sewer is required.

Zoning Enforcement Manager:

Must comply with below listed comments.

The site plan proposal as shown and indicated does not meet the density requirements for amount of dwelling units allowed per acre for the area.

No other adverse comments on zoning at this time.

1/9/06

Must comply with all Bernalillo County Code regulations for this project.

The plan concept as proposed is adequate and is following the R-1 guidelines for setbacks, however there is no mention as to what Zoning regulations it will fall under for enforcement purposes, such as limitation to accessory structures and/or height and size limitations and so forth.

Fire:

No comments received.

Public Works:

DRAN:

1. A detailed grading and drainage plan meeting the criteria of the Bernalillo County Drainage Submittal Check list will be required prior to final plat approval.
2. A maintenance agreement between the lot owners will be required for a drainage scheme in which all lots drain to the open space area. Bernalillo County will not be responsible for maintaining the common open space area as shown on this request.

1/9/06

See previous comments. No further comment.

DRE: No comments received.

1/9/06

1. The road width shall be widened from 30 to 32 feet face-of-curb to face-of-curb. The Public Right-of-way shall be widened to accommodate the two four foot sidewalks and the revised road width. In addition, two 25 foot radius curves for Public Right-of-way shall be located at the intersection of the proposed road and Tyler Road.
2. Include Public Right-of-way and road radius dimensions for the portion of road that transitions the cul-de-sac to the straight roadway section. The dimensions given for the cul-de-sac portion are acceptable, as shown.
3. Improvements may be required to Tyler Road. Required improvements may be addressed during the subdivision platting action.
4. Water and sewer easements will be required to accommodate the property to the north, as stated in the Water and Sewer Availability letter.
5. A Traffic Impact Analysis is not required with this development.

Parks & Recreation:

The applicant should be aware that Bernalillo County and the Vista Del Norte Subdivision developer will be involved in landscaping the perimeter of the drainage ponds to the north of and adjacent to the subject site. The bottoms of the ponds will have soccer fields developed in the future.

1/9/06

REVIEWED, NO ADVERSE COMMENTS

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

No comments.

1/9/06

No comment.

AMAFCA:

No comment.

1/9/06

No comment.

City Planning Department:
No comments received.

City Public Works:
Transportation Planning: No comments.

Transportation Development: No comments.
1/9/06
No adverse comments.

Water Resources: No objection, but need to revise Utility Plan to loop water line back to Tyler Road, do not extend to the north property line as shown. The Availability Statement is incorrect.

1/9/06
Modify the landscape plan so that trees are NOT planted on top of the proposed water lines and sanitary sewer lines (small shrubs are okay).

City Transit:
No transit service is currently available within walking distance of the site. The closest transit routes are about 1 mile west and east on 4th St and Osuna/Gulton Court respectively.
No objection.

City Open Space:
No comments received.

NMDOT
No comments.

1/9/06
No comments.

NEIGHBORHOOD ASSOCIATIONS:

Alameda North Valley Association
Northeast Valley Neighborhood Association
North Edith Corridor Association